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MCDERMOTT, WILL & EMERY

January 14, 2002

BOX: NOTICE TO FILE MISSING PARTS

Assistant Commissioner for Patents
U.S. Patent and Trademark Office
Washington, D.C. 20231

RE: Response to Notice to Filing Missing Parts
Applicant: David Cook and Terry Hester
Serial No: 09/976,507
Filed: 10/12/2001
Our File: 62967-034

Dear Sir/Madam:

Applicant herewith responds to the Notice to File Missing Parts mailed 11/16/2001 by submitting the following documents:

1. Response to Notice to File Missing;
2. Copy of Notice to File Missing Parts;
3. Declaration for utility patent application;
4. Express Mail Label No. EL932164699US;
5. Transmittal Letter; and
6. Return Postcard.

The Assistant Commissioner is hereby authorized to charge any applicable and/or credit any overpayment to deposit account no. 50-0385.

Very truly yours,

James E. Eakin
Reg. No. 27,874

Enclosures

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Large Entity)**

Docket No.
62967-034

In Re Application Of: **David Cook and Terry Hester**

Serial No.	Filing Date	Examiner	Group Art Unit
09/976,507	10/12/2001	not known	not known

Invention: **PERSONAL DIGITAL CONTENT SYSTEM**



TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on

11/16/2001

Date

Enclosed herewith for filing are the following:

- A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date.
- An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- Other (list):

Transmittal letter

Return postcard

Express Mail Label No.: EL932164699US

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Large Entity)**

Docket No.
62967-034

In Re Application Of: **David Cook and Terry Hester**

Serial No.
09/976,507

Filing Date
10/12/2001

Examiner
not known

Group Art Unit
not known

Invention: **PERSONAL DIGITAL CONTENT SYSTEM**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

Completion of application fees as calculated below:

Utility application filing fee _____

Design application filing fee _____

Total number of independent claims = _____

Total number of claims = _____

Multiple dependent claims _____

Surcharge for late payment of filing fee and/or late filing of original declaration or oath **\$130.00**

Petition and fee for filing by other than all the inventors or a person not the inventor _____

Fee for processing an application filed with a non-English language specification _____

Fee for processing and retention of application _____

Total completion of application fees **\$130.00**

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

One month Two months Three months Four months Five months

from: _____ until: _____

Date

Date

Total time extension fees _____

Total fees due **\$130.00**

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533) (Large Entity)**

Docket No.
62967-034

In Re Application Of: **David Cook and Terry Hester**

Serial No.	Filing Date	Examiner	Group Art Unit
09/976,507	10/12/2001	not known	not known

Invention: **PERSONAL DIGITAL CONTENT SYSTEM**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

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The fee of **\$130.00** is to be paid as follows:

- A check in the amount of the fee is enclosed.
- The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **50-0385**
A duplicate copy of this sheet is enclosed.
- If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No.
A duplicate copy of this sheet is enclosed.



Signature

Dated: **15 Jan 2002**

**James E. Eakin
Reg. No.: 27,874
McDermott, Will & Emery
2700 Sand Hill Road
Menlo Park, CA 94025**

I certify that this document and fee is being deposited on **15 Jan 2002** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC:

#3



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/976,500 C101	10/12/2001	David H. Cook	62967-010

JAN 15 2002

MC GERMOTT, WILL & EMERY
2700 SANDENEL ROAD
MENLO PARK, CA 94025

CONFIRMATION NO. 2832
FORMALITIES LETTER



OC000000007084633

Date Mailed: 11/16/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

01/28/2002 BABRAHA1 00000166 500385 09976507

01 FC:205

65.00 CH

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

The following item(s) appear to have been **omitted** from the application:

- Page(s) **2** of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing

date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

A copy of this notice MUST be returned with the reply.



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